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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
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BY _____

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15 *Attorneys for Plaintiff Diana Saed*

16 UNITED STATES DISTRICT COURT
17
18 CENTRAL DISTRICT OF CALIFORNIA



19 Diana Saed, individually and on behalf
20 of all others similarly situated,

21 Plaintiff,

22 vs.

23 SONY OPTIARC AMERICA INC.;
24 HITACHI-LG DATA STORAGE INC.;
25 and TOSHIBA SAMSUNG STORAGE
26 TECHNOLOGY CORPORATION,

27 Defendants.

CV09-8289 JSL (JEMx)

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

1 Plaintiff Diana Saed, individually and on behalf of all others similarly
2 situated (the "Class"), brings this action for damages and injunctive relief under
3 federal antitrust laws against Defendants Sony Optiarc America Inc., Hitachi-LG
4 Data Storage Inc., and Toshiba Samsung Storage Technology Corporation.
5 Plaintiff alleges on information and belief as follows:

6 **NATURE OF ACTION**

7 1. This antitrust class action arises from a conspiracy to fix, raise,
8 maintain, and stabilize the prices charged for Optical Disc Drive Products
9 provided, manufactured, supplied, sold and/or distributed by any of the
10 Defendants, their subsidiaries, affiliates, or co-conspirators. Optical Disc Drive
11 Products include Optical Disc Drives (defined below), as well as products
12 containing Optical Disc Drives.

13 2. Optical Disc Drives are drives that use laser light or electromagnetic
14 waves as part of the process of reading or writing data to or from optical discs.
15 Common types of optical drives include CD players, CD-ROM, CD-RW, DVD-
16 ROM, DVD/RW, and Blu-ray drives. These discs are made up of millions of small
17 bumps and dips. Optical drives contain lasers able to read these bumps and dips as
18 ones and zeros, which a computer can understand. Some drives can only read from
19 discs. CD and DVD writers, such as CD-R and DVD-R drives, use a laser to both
20 read and write data on the discs. The laser used for writing data is much more
21 powerful than the laser that reads data, as it "burns" the bumps and dips into the
22 disc. Recent drives are commonly both readers and recorders. Recorders are
23 sometimes called "burners" or "writers."

24 3. Defendants are leading manufacturers of Optical Disc Drive Products,
25 and control a large segment of the optical disc drive industry which annually
26 generates worldwide revenues in excess of \$8 billion.

1 4. During the period beginning at least from November 2005, and
2 continuing at least through the present (the "Class Period"), Defendants and their
3 co-conspirators agreed, combined, and conspired with each other to fix, raise,
4 maintain, and stabilize the prices of Optical Disc Drive Products. As a result of
5 Defendants' unlawful conduct and conspiracy, Plaintiff and the other members of
6 the Class paid non-competitive and artificially high prices for Optical Disc Drive
7 Products purchased from Defendants, their subsidiaries, affiliates, or conspirators,
8 and have been damaged thereby.

9 **JURISDICTION AND VENUE**
10

11 5. Plaintiff brings this action to obtain injunctive relief and recover treble
12 damages, costs of suit, and reasonable attorneys' fees, arising from Defendants'
13 violations of Section 1 of the Sherman Act of 1890 ("Sherman Act"), 15 U.S.C. §
14 1, pursuant to Sections 4 and 16 of the Clayton Act of 1914 ("Clayton Act"), 15
15 U.S.C. §§ 15 and 26.

16 6. The Court has subject matter jurisdiction over this matter under 28
17 U.S.C. §§ 1331 and 1337.

18 7. Venue is proper in this judicial district pursuant to Sections 4(a) and 12
19 of the Clayton Act, 15 U.S.C. §§ 15, 22, and 28 U.S.C. § 1391(b), (c), and (d),
20 because during the Class Period, Defendants resided, transacted business, were
21 found, or had agents in this district, and a substantial part of the events giving rise
22 to Plaintiff's claims occurred, and a substantial portion of the affected interstate
23 trade and commerce described below was carried out, in this judicial district,
24 including, among other things, the manufacture, distribution, delivery and/or sale
25 of Optical Disc Drive Products to Plaintiff and other members of the Class at
26 supra-competitive prices.

THE PARTIES

Plaintiff

8. Plaintiff Diana Saed is a resident of the State of California who directly purchased, in California, an Optical Disc Drive Product during the Class Period. As a result of the conspiracy, Plaintiff has been economically injured in that the price she paid for an Optical Disc Drive Product had been artificially raised to anti-competitive levels by Defendants.

Defendants

9. **Sony Optiarc America, Inc. ("Sony Optiarc America")** is a Delaware corporation with its principal place of business at 1730 North First Street, San Jose, California 95112. Sony Optiarc America is a wholly-owned subsidiary of Sony Optiarc Inc., which in turn is a wholly-owned subsidiary of Sony Corporation. Sony Optiarc America provides optical drive products used in products made by Sony Corporation as well as other electronics and personal computer makers. During the Class Period, Sony Optiarc America provided, manufactured, sold and/or distributed Optical Disc Drive Products in this district and throughout the United States, either directly or through its affiliated companies.

10. **Hitachi-LG Data Storage Inc. ("Hitachi-LG")** is a Japanese and Korean company with its principal places of business at 4F MSC Center Building, 22-23, Kaigan 3-Chome, Minato-Ku, Tokyo, 108-0022, Japan; and LG Gaisan Digital Center, 459-9, Gasan-Dong, Geumcheon-Gu, Seoul, 153-803, Korea. Hitachi-LG is a joint venture between Hitachi, Ltd. and LG Electronics, Inc. During the Class Period, Hitachi-LG provided, manufactured, sold and/or distributed Optical Disc Drive Products in this district and throughout the United States, either directly or through its affiliated companies.

11. **Toshiba Samsung Storage Technology Corporation ("TSST")** is a Japanese company with its principal place of business at 1-1 Shibaura 1-chome,

1 Minato-ku, Tokyo, 105-8001, Japan. TSST is a joint venture between and Toshiba
2 Corporation and Samsung Electronics Co., Ltd. During the Class Period, TSST
3 provided, manufactured, sold and/or distributed Optical Disc Drive Products in this
4 district and throughout the United States, either directly or through its affiliated
5 companies.

6 **UNNAMED CO-CONSPIRATORS**

7 12. On information and belief, during the Class Period, other entities and
8 individuals not named as defendants in this Complaint conspired with Defendants
9 in their unlawful restraint of trade by participating in, performing acts and making
10 statements in furtherance of, the unlawful agreements alleged in this Complaint.

11 **AGENTS**

12 13. The unlawful acts alleged to have been done by Defendants and their
13 co-conspirators were authorized, ordered, or performed by their directors, officers,
14 managers, agents, employees or representatives while actively engaged in the
15 management, direction, control, or transaction of Defendants' or their co-
16 conspirators' business or affairs. At all relevant times, each Defendant was an
17 agent of the other Defendant or alleged co-conspirators, and, in doing the acts
18 alleged, was acting within the course and scope of such agency. Each Defendant
19 ratified and authorized the wrongful acts of each of the Defendants and their co-
20 conspirators.

21 **INTERSTATE AND INTERNATIONAL TRADE AND COMMERCE**

22 14. Throughout the Class Period, contracts, invoices for payment, payments,
23 and other documents essential to the sale of Optical Disc Drive Products were
24 transmitted in interstate and foreign commerce between and among offices of
25 Defendants and their customers located in various states in the U.S.

1 15. Throughout the Class Period, Defendants sold Optical Disc Drive
2 Products in a continuous and uninterrupted flow of interstate trade and commerce,
3 including through this District.

4 16. Throughout the Class Period, the business activities of Defendants and
5 their co-conspirators in connection with their alleged wrongful conduct were
6 within the flow of, and substantially affected, interstate trade and commerce.

7 17. During the Class Period, Defendants collectively controlled a large
8 share of the market for Optical Disc Drive Products in the U.S.

9 **THE MANNER AND MEANS OF THE CONSPIRACY**

10 18. For the purpose of forming and carrying out their alleged combination
11 and conspiracy, Defendants and their co-conspirators did those things that they
12 combined and conspired to do, including:

13 (a) participating in meetings, conversations, and communications
14 in the U.S. and elsewhere to discuss one or more components of prices for Optical
15 Disc Drive Products;

16 (b) agreeing during those meetings, conversations, and
17 communications to artificially fix, raise and maintain one or more price
18 components of Optical Disc Drive Products;

19 (c) levying and establishing artificially high prices in accordance
20 with Defendants' alleged unlawful agreements;

21 (d) issuing price quotations and charging prices in accordance with
22 Defendants' alleged unlawful agreements; and

23 (e) engaging in meetings, conversations, and communications in
24 the U.S. and elsewhere for the purpose of monitoring and enforcing adherence to
25 Defendants' alleged unlawful agreements.

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FACTUAL ALLEGATIONS

19. The market for Optical Disc Drive Products is dominated by a group of manufacturers, oligopolistic in nature, and conducive to the collusive conduct alleged. According to published reports, a handful of entities possessed large market shares – Hitachi-LG, TSST, and Sony Optiarc America account for a combined sixty percent of the market for Optical Disc Drive Products, including CD, DVD and Blu-Ray disc players.

20. During the Class Period, the optical disc drive market has experienced significant consolidation, cross-licensing agreements and joint venture collaborations among optical disc drive manufacturers.

21. The parent of Sony Optiarc America, Sony Optiarc, Inc. (formerly Sony NEC Optiarc Inc.), was established in 2006 as an optical disc joint venture between Sony Corporation and NEC Corporation. Sony Corporation held a 55% share and NEC Corporation held a 45% share in Sony NEC Optiarc Inc. In September 2008, Sony Corporation acquired the 45% share belonging to NEC Corporation and converted the entire entity into Sony Optiarc Inc., a Sony Corporation subsidiary.

22. Prior to the buy-out, Sony Corporation and NEC Corporation were backing competing optical disc formats in the battle to replace DVD for high-definition video. Sony Corporation was backing the Blu-Ray format, while NEC Corporation was backing the HD-DVD format. The buy-out came at a time when HD-DVD lost against Blu-Ray in the battle to replace DVD for high-definition video.

23. Despite the demise of the HD-DVD format, prices of Blu-Ray media formats in the Optical Disc Drive Product market have remained the same and/or increased.

24. Upon information and belief, during the Class Period, Defendants conspired to fix prices of Optical Disc Drive Products sold in the U.S. To that end,

1 they participated in meetings, conversations and communications, together and
2 with their co-conspirators, in which they agreed on the prices to be charged for
3 Optical Disc Drive Products in the U.S.

4 GOVERNMENTAL INVESTIGATIONS

5 25. A number of investigations worldwide – including an investigation by
6 the United States Department of Justice (“DOJ”) – are currently examining
7 potential anticompetitive conduct in the optical disc drive market.

8 26. On October 23, 2009, Sony Corporation disclosed in a Form 6K filed
9 with the U.S. Securities and Exchange Commission that its subsidiary, Defendant
10 Sony Optiarc America, had received a subpoena from the DOJ Antitrust Division
11 seeking information about its optical disc drive business. Sony Corporation
12 acknowledged that the DOJ as well as agencies outside the United States are
13 investigating competition in optical disc drive products.

14 27. On October 27, 2009, a DOJ spokeswoman, Gina Talamona, confirmed
15 that the DOJ “is investigating possible violations of antitrust law in the optical disc
16 drive industry.”

17 28. On October 27, 2009, Hitachi, Ltd., one of Defendant Hitachi-LG’s joint
18 venturers, confirmed that its optical disc drive operations in the U.S. received a
19 subpoena from the DOJ in a widening investigation into possible anticompetitive
20 practices. Hitachi, Ltd. acknowledged that Hitachi-LG was also under
21 investigation by European Union and Singapore regulators.

22 29. Members of the Hitachi corporate family have participated in collusive
23 and anticompetitive behavior in other markets. For example, on May 22, 2009, a
24 subsidiary of Hitachi, Ltd., Hitachi Displays Ltd., pled guilty to participating in a
25 conspiracy to fix prices and control supplies of thin film transistor-liquid crystal
26 display (“TFT-LCD”) panels. It agreed to pay a \$31 million fine. Hitachi
27 Displays Ltd. is also a defendant in *In Re: TFT-LCD (Flat Panel) Antitrust*

1 *Litigation*, Northern District of California, Case No. M07-1827 SI (MDL No.
2 1827).

3 30. Likewise, members of the LG corporate family have also participated in
4 collusive and anticompetitive activities in the past. For example, on December 15,
5 2008, a subsidiary of LG Electronics, Inc., LG Display Co., pled guilty to
6 participating in the TFT-LCD conspiracy and agreed to pay a \$400 million fine.
7 LG Display Co. also is a named defendant in the *TFT-LCD (Flat Panel) Antitrust*
8 *Litigation*.

9 31. On October 27, 2009, Toshiba Corporation, one of Defendant TSST's
10 joint venturers, confirmed that TSST received a DOJ subpoena in a widening
11 investigation into potential antitrust violations by its optical disc drive operations
12 in the U.S. Toshiba Corporation also acknowledged that TSST was answering
13 related queries from authorities in other regions.

14 32. Toshiba Corporation has been the subject of governmental
15 investigations into worldwide conspiracies to fix prices and control supplies of
16 TFT-LCD panels and cathode ray tubes, among other products. Toshiba
17 Corporation is a defendant in the *TFT-LCD (Flat Panel) Antitrust Litigation*, as
18 well as in *In Re: Cathode Ray Tube (CRT) Antitrust Litigation*, Northern District of
19 California, Case No. 07-5944 SC (MDL No. 1917).

20 33. Samsung Electronics Co., Ltd., TSST's other joint venturer, also has a
21 history of collusive and anticompetitive behavior in other markets. In 2005,
22 pursuant to charges brought by the DOJ, Samsung Electronics Co., Ltd. pled guilty
23 to participating in a price-fixing conspiracy involving dynamic random access
24 memory ("DRAM"). As part of its guilty plea, Samsung Electronics Co., Ltd.
25 agreed to pay a fine of \$300 million. In addition, Samsung Electronics Co., Ltd. is
26 a major player in the TFT-LCD industry currently under investigation by the DOJ.
27 Although not publicly confirmed, it is widely believed to be in the U.S. DOJ

28

1 leniency program with respect to this investigation. Samsung Electronics Co., Ltd.
2 is also a defendant in the *TFT-LCD (Flat Panel) Antitrust Litigation* and the
3 *Cathode Ray Tube (CRT) Antitrust Litigation*.

4 **CLASS ACTION ALLEGATIONS**

5 34. Plaintiff brings this action on her own behalf and on behalf of all others
6 similarly situated pursuant to Rule 23 of the Federal Rules of Civil Procedure. The
7 Class is defined as follows:

8 All persons and entities who directly purchased an Optical
9 Disc Drive Product, in the United States, from any
10 Defendant, subsidiary, or affiliate thereof, or any co-
11 conspirator, at any time from November 2005 to present.
12 Excluded from the Class are governmental entities,
13 Defendants, Defendants' respective predecessors,
14 subsidiaries, affiliates, business partners, and co-
15 conspirators, and any judges assigned to hear any aspect of
16 this action.

17 35. Because such information is in the exclusive control of the Defendants,
18 Plaintiff does not know the exact number of members in the Class. However,
19 Plaintiff believes that the members number in the many thousands and are
20 sufficiently numerous and geographically dispersed throughout the U.S. to render
21 joinder of all Class members impracticable.

22 36. Common questions of law and fact include:

23 (a) whether Defendants engaged in a combination or conspiracy to
24 fix, raise, maintain, and stabilize the prices for Optical Disc Drive Products sold in
25 the U.S.;

26 (b) the duration of the conspiracy and the nature and character of
27 the acts performed by Defendants in furtherance of the conspiracy;

- 1 (c) whether Defendants violated Section 1 of the Sherman Act;
2 (d) whether the conduct of the Defendants caused injury to Plaintiff
3 and the members of the Class;
4 (e) the effect of Defendants' conspiracy on prices of Optical Disc
5 Drive Products charged to Class members during the Class Period;
6 (f) whether Defendants fraudulently concealed their conspiracy so
7 as to equitably toll any applicable statutes of limitation;
8 (g) the appropriate measure of damages sustained by Plaintiff and
9 Class members; and
10 (h) whether the Class is entitled to injunctive relief to prevent the
11 continuation or recurrence of the violations of Section 1 of the Sherman Act
12 alleged in this Complaint.

13 37. Plaintiff's claims are typical of the claims of the Class members on
14 whose behalf they are asserted because the claims arise from the same common
15 course of conduct of Defendants and the relief Plaintiff seeks is common to the
16 members of the Class.

17 38. Plaintiff will fairly and adequately protect the interests of the Class.
18 Plaintiff also has no interests that are antagonistic to the members of the Class and
19 has retained counsel competent and experienced in the prosecution of class actions
20 and antitrust litigation to represent herself and the Class.

21 39. The prosecution of separate actions by the individual members of the
22 Class would create a risk of inconsistent or varying adjudications, establishing
23 incompatible standards of conduct for Defendants.

24 40. Defendants have acted, and refused to act, on grounds generally
25 applicable to the Class, thereby making appropriate final injunctive relief with
26 respect to the Class as a whole.

27
28

1 41. The questions of law and fact common to the members of the Class
2 predominate over any questions affecting only individual members.

3 42. A class action is superior to other available methods for the fair and
4 efficient adjudication of this controversy since individual joinder of all damaged
5 Class members is impracticable. The damages suffered by individual Class
6 members are relatively small, given the expense and burden of individual
7 prosecution of the claims asserted in this litigation. Absent the availability of class
8 action procedures, it would not be feasible for Class members to redress the
9 wrongs done to them. The class action device presents fewer case management
10 difficulties and will provide the benefits of unitary adjudication, economy of scale
11 and comprehensive supervision by a single court.

12 **CLAIM FOR RELIEF**

13 **(Violation of §1 the Sherman Act)**

14 43. Plaintiff incorporates by reference all of the above allegations as if fully
15 set forth below.

16 44. During the Class Period, Defendants and their co-conspirators engaged
17 in a continuing agreement, understanding, and conspiracy in restraint of trade to
18 artificially raise, fix, maintain, and stabilize the prices of Optical Disc Drive
19 Products in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

20 45. In formulating and effectuating the alleged contract, combination, or
21 conspiracy, Defendants and their co-conspirators engaged in anti-competitive
22 activities, the purpose and effect of which were to artificially raise, fix, maintain,
23 and stabilize the prices of Optical Disc Drive Products. These activities included:

- 24 (a) agreeing to charge at certain levels and otherwise to fix, raise,
25 maintain, and stabilize the prices of Optical Disc Drive Products;
26 (b) charging prices at agreed-upon levels, thereby fixing the prices
27 of Optical Disc Drive Products at the agreed-upon rates; and

1 (c) subsequently holding meetings, conversations, and
2 communications to monitor and enforce the previously agreed-upon and set prices.

3 46. During the Class Period, Defendants sold Optical Disc Drive Products in
4 a continuous and uninterrupted flow of interstate, import and foreign commerce.
5 Defendants received payment for such sales across state and national boundaries.
6 Defendants' activities, and the sale of their Optical Disc Drive Products, have both
7 taken place within, and have had a substantial anticompetitive effect upon,
8 interstate commerce within the U.S.

9 47. Plaintiff, on behalf of herself and the Class, seeks injunctive relief and
10 treble damages, and such other relief that the Court deems necessary and
11 appropriate.

12 48. The combination and conspiracy had the following effects, among
13 others:

14 (a) the prices charged by Defendants, and paid by Plaintiff and the
15 members of the Class, for Optical Disc Drive Products were fixed, raised,
16 maintained and stabilized at artificially high and non-competitive levels;

17 (b) Plaintiff and the members of the Class have been deprived of
18 free and open competition in the purchase of Optical Disc Drive Products from
19 Defendants; and

20 (c) Plaintiff and the members of the Class have been required to
21 pay more for Optical Disc Drive Products purchased from Defendants in the U.S.
22 than they would have paid in a competitive marketplace absent Defendants' price-
23 fixing conspiracy.

24 49. As a direct and proximate result of Defendants' illegal conspiracy,
25 Plaintiff and the members of the Class have been injured and financially damaged
26 in their respective businesses and property, in an amount to be determined
27 according to proof at trial.

FRAUDULENT CONCEALMENT

50. Throughout the relevant period, Defendants and their co-conspirators affirmatively and fraudulently concealed their unlawful conduct from Plaintiff and the Class.

51. Plaintiff and the members of the Class did not become aware of the alleged conspiracy until on or about October 23, 2009, when it was disclosed that the U.S. DOJ, along with various foreign authorities, were investigating anticompetitive conduct in the optical disc drive market. Plaintiff and the members of the Class did not and could not have discovered Defendants' conspiracy earlier than October 23, 2009 through the exercise of reasonable diligence because of Defendants' active and purposeful concealment of their unlawful activities.

52. Defendants and their co-conspirators affirmatively concealed their conspiracy in at least the following respects:

(a) by agreeing amongst themselves not to discuss publicly, or otherwise reveal, the nature and the substance of the acts and communications in furtherance of their illegal scheme;

(b) by engaging in secret meetings, conversations, and communications in order to further their illicit conspiracy;

(c) by publicly giving false and pretextual reasons for their pricing of Optical Disc Drive Products, and for the increases in those prices during the Class Period, and by falsely describing such pricing and increases as being the product of external cost increases and unilateral decisions, rather than collusion; and

(d) by effectively denying any price-fixing of Optical Disc Drive Products in their public statements.

53. As a result of Defendants' fraudulent concealment of their conspiracy, Plaintiff, on behalf of herself and the Class, asserts that any applicable statute of

1 limitations affecting their rights of action against Defendants was tolled until
2 October 23, 2009.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff requests:

5 (a) That the Court determine that this action may be maintained as a class
6 action under Rule 23(a) and Rules 23(b)(2) and (3) of the Federal Rules of Civil
7 Procedure, determine that the Plaintiff seeking to represent the Class is an adequate
8 Class representative, and direct that reasonable notice of this action, as provided by
9 Rule 23(c)(2) of the Federal Rules of Civil Procedure, be given to members of the
10 Class;

11 (b) That the Court adjudge and decree that Defendants' contract,
12 combination, and conspiracy alleged in this Complaint are *per se* unreasonable
13 restraints of trade in violation of Section 1 of the Sherman Act;

14 (c) That Plaintiff and the members of the Class recover damages, as
15 provided by law, and that a joint and several judgment in favor of Plaintiff and the
16 Class be entered against Defendants in an amount to be trebled in accordance with
17 the law;

18 (d) That Defendants and their respective successors, assigns, parents,
19 subsidiaries, affiliates and transferees, and their respective officers, directors,
20 agents and employees, and all other persons acting or claiming to act on behalf of
21 Defendants and their co-conspirators, or in concert with them, be permanently
22 enjoined and restrained from, in any manner, continuing, maintaining or renewing
23 the combination, conspiracy, agreement, understanding or concert of action, or
24 adopting any practice, plan, program or design having similar purpose or effect in
25 restraining competition;

26 (e) That the Court award Plaintiff and the members of the Class
27 attorneys' fees and costs as provided by law;

1 (f) That the Court award Plaintiff and the members of the Class pre-
2 judgment and post-judgment interest as permitted by law, and that interest be
3 awarded at the highest legal rate from and after the date of service of the initial
4 complaint in this action; and

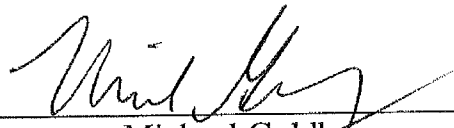
5 (g) That the Court award Plaintiff and the members of the Class such
6 other and further relief as it deems just, necessary and appropriate.

7 **JURY TRIAL DEMANDED**

8 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff
9 demands a jury trial as to all triable claims and issues.

10 DATED: November 12, 2009

11 **GLANCY BINKOW & GOLDBERG
LLP**

12
13 By: 
14 Michael Goldberg

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27 *Attorneys for Plaintiff Diana Saed*

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> DIANA SAED	DEFENDANTS SONY OPTIARC AMERICA INC.; HITACHI-LG DATA STORAGE INC.; and TOSHIBA SAMSUNG STORAGE TECHNOLOGY CORPORATION
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Michael Goldberg #188669 -- Glancy Binkow & Goldberg LLP 1801 Avenue of the Stars, Suite 311, Los Angeles, CA 90067 (310) 201-9150tel (310) 201-9160fax info@glancylaw.com	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No **MONEY DEMANDED IN COMPLAINT:** \$ to be proved

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Section 1 of Sherman Act, 15 USC

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input checked="" type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES COUNTY	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

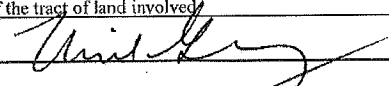
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	SONY OPTIARC: SANTA CLARA COUNTY HITACHI: JAPAN TOSHIBA: JAPAN

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES COUNTY	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date NOVEMBER 12, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FP(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))